

FIFTY-SEVENTH DAY - APRIL 7, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, April 7, 2003

PRAYER

The prayer was offered by Senator Price.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Preister who was excused; and Senators Brashear, Brown, Hartnett, Kruse, Landis, and Maxwell who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

**STANDING COMMITTEE REPORT
Education**

LEGISLATIVE BILL 796. Placed on General File.

(Signed) Ron Raikes, Chairperson

GENERAL FILE

LEGISLATIVE BILL 754. Title read. Considered.

The Standing Committee amendment, AM0912, found on page 990, was considered.

Senator Bromm offered the following amendment to the Standing Committee amendment:

AM1188

(Amendments to Standing Committee amendments, AM0912)

- 1 1. Strike section 5.
- 2 2. On page 5, lines 16 and 17 strike ", and upon" and

3 insert "or by the county board of commissioners or supervisors if
4 the board has not authorized the commission to exercise such
5 authority. Upon"; and in lines 17 and 20 after "commission" insert
6 "or board".

Senators Aguilar and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

ANNOUNCEMENTS

The Chair announced April 5 was Senator Foley's birthday.

The Chair announced today is Senator Erdman's birthday.

GENERAL FILE

LEGISLATIVE BILL 754. The Bromm pending amendment, AM1188, found in this day's Journal, to the Standing Committee amendment, was renewed.

Senator Vrtiska moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Bromm amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARING Transportation and Telecommunications Room 1113

Tuesday, April 15, 2003
Bernard J. Slowik - Motor Vehicle Industry Licensing Board

1:00 p.m.

(Signed) Tom Baker, Chairperson

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Engrossed

The following bills and resolution were correctly engrossed: LBs 165, 165A, 294, 332, 607, 619, 688, and LR 11CA.

ER9045

Enrollment and Review Change to LB 165

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7080, on page 9, line 15, "to provide operative dates;" has been inserted after the first semicolon.

ER9043

Enrollment and Review Change to LB 619

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Beutler amendment, FA1260, on page 1, line 2, "department" has been struck and "Department of Natural Resources" inserted; in line 9 "the first comma in line 20" has been struck and " 'Department' " inserted and "department" has been struck and "the" inserted; and in line 10 "and" has been struck and "; and in line 22 after 'department' " inserted.

2. In the E & R amendments, AM7082, on page 23, lines 9 and 17, "46-656.02" has been struck and "46-656.01, 46-656.02," inserted; and in lines 11 and 19 "46-656.12," has been inserted before "46-691".

(Signed) Ray Mossey, Chairperson

GENERAL FILE

LEGISLATIVE BILL 754. Senator Chambers offered the following amendment to the Standing Committee amendment:

FA1261

Amend AM0912

On page 1, line 15 after "seek" insert "reasonable"

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 67. Introduced by Aguilar, 35.

WHEREAS, Ryan Hartman, of Phillips, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest advancement rank in Scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks: Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle. Throughout his Scouting experience, Ryan has learned, been tested on, and been recognized for various Scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required

to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only two percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Ryan Hartman, upon receiving the rank of Eagle Scout, will join other high achievers who are Eagle Scouts such as astronauts, political and industry leaders, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Ryan Hartman on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Ryan Hartman.

Laid over.

VISITORS

Visitors to the Chamber were Dale Beller from Lindsay and Jennifer Stege from Lincoln; 30 Girl Scouts and sponsors; Daryl Sudbeck from Hartington; 45 fourth-grade students and teachers from Golden Hills Elementary School, Bellevue; and 52 tenth-grade students and sponsors from across the state.

RECESS

At 11:57 a.m., on a motion by Senator Byars, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senator Preister who was excused.

GENERAL FILE

LEGISLATIVE BILL 754. The Chambers pending amendment, FA1261, found in this day's Journal, to the Standing Committee amendment, was renewed.

Senator Quandahl asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment to the Standing

Committee amendment:

FA1262

Amend AM0912

1. On page 1, line 7 strike "is" and insert "are", strike "for" and insert "to"; line 10 strike "impact" and insert "affect"; line 19 strike "by" and insert "of"; line 24 strike "for" and insert "of" and strike "and initiatives".
2. On page 2, line 13 strike "could" and insert "may".
3. On page 5, line 19 strike "identified" and insert "imposed".

The Chambers amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA1263

Amend AM0912

1. On page 2, line 2 after "board" insert ", by a duly enacted resolution following a public hearing,"; line 14 after "useful" insert "to the county".

The Chambers amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA1264

Amend AM0912

On page 1 in lines 20 and 21 strike "a" in line 20 through "county." in line 21.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Chambers amendment lost with 3 ayes, 26 nays, 17 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Beutler offered the following amendment to the Standing Committee amendment:

AM1200

(Amendments to Standing Committee amendments, AM0912)

1. On page 5, line 21, after the period insert "The
- 2 commission or the board may request and review, prior to making a
- 3 final determination, all information relevant to the setting of
- 4 conditions for the conditional use or special exception.".

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

SENATOR SCHIMEK PRESIDING

The Beutler amendment was adopted with 26 ayes, 7 nays, 13 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 32 ayes, 4 nays, 10 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS Judiciary

LEGISLATIVE BILL 201. Placed on General File.

LEGISLATIVE BILL 512. Placed on General File.

LEGISLATIVE BILL 23. Placed on General File as amended.

Standing Committee amendment to LB 23:

AM1124

- 1 1. Strike original section 1 and insert the following
- 2 new section:
- 3 "Section 1. Section 44-2825, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 44-2825. (1) The total amount recoverable under the
- 6 Nebraska Hospital-Medical Liability Act from any and all health
- 7 care providers and the Excess Liability Fund for any occurrence
- 8 resulting in any injury or death of a patient may not exceed (a)
- 9 five hundred thousand dollars for any occurrence on or before
- 10 December 31, 1984, (b) one million dollars for any occurrence after
- 11 December 31, 1984, and on or before December 31, 1992, ~~and~~ (c) one
- 12 million two hundred fifty thousand dollars for any occurrence after
- 13 December 31, 1992, and on or before December 31, 2003, and (d) one
- 14 million seven hundred fifty thousand dollars for any occurrence
- 15 after December 31, 2003.
- 16 (2) A health care provider qualified under the act shall
- 17 not be liable to any patient or his or her representative who is
- 18 covered by the act for an amount in excess of two hundred thousand
- 19 dollars for all claims or causes of action arising from any
- 20 occurrence during the period that the act is effective with
- 21 reference to such patient.
- 22 (3) Subject to the overall limits from all sources as
- 23 provided in subsection (1) of this section, any amount due from a
- 24 judgment or settlement which is in excess of the total liability of
- 1 all liable health care providers shall be paid from the Excess
- 2 Liability Fund pursuant to sections 44-2831 to 44-2833."

LEGISLATIVE BILL 146. Placed on General File as amended.
Standing Committee amendment to LB 146:
AM1202

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 44-2825, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 44-2825. (1) The total amount recoverable under the
- 6 Nebraska Hospital-Medical Liability Act from any and all health
- 7 care providers and the Excess Liability Fund for any occurrence
- 8 resulting in any injury or death of a patient may not exceed (a)
- 9 five hundred thousand dollars for any occurrence on or before
- 10 December 31, 1984, (b) one million dollars for any occurrence after
- 11 December 31, 1984, and on or before December 31, 1992, ~~and~~ (c) one
- 12 million two hundred fifty thousand dollars for any occurrence after
- 13 December 31, 1992, and on or before December 31, 2003, and (d) one
- 14 million seven hundred fifty thousand dollars for any occurrence
- 15 after December 31, 2003.
- 16 (2) A health care provider qualified under the act shall
- 17 not be liable to any patient or his or her representative who is
- 18 covered by the act for an amount in excess of two hundred thousand
- 19 dollars for all claims or causes of action arising from any
- 20 occurrence during the period that the act is effective with
- 21 reference to such patient.
- 22 (3) Subject to the overall limits from all sources as
- 23 provided in subsection (1) of this section, any amount due from a
- 24 judgment or settlement which is in excess of the total liability of
- 1 all liable health care providers shall be paid from the Excess
- 2 Liability Fund pursuant to sections 44-2831 to 44-2833.
- 3 Sec. 2. Section 44-2827, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 44-2827. (1) Financial responsibility of a health care
- 6 provider may be established only by filing with the director proof
- 7 that the health care provider is insured pursuant to sections
- 8 44-2837 to 44-2839 or by a policy of professional liability
- 9 insurance in a company authorized to do business in Nebraska. Such
- 10 insurance shall be in the amount of two hundred thousand dollars
- 11 per occurrence and, in cases involving physicians or nurse
- 12 anesthetists, but not with respect to hospitals, an aggregate
- 13 liability of at least six hundred thousand dollars for all
- 14 occurrences or claims made in any policy year shall be provided.
- 15 In the case of hospitals and their employees, an aggregate
- 16 liability amount of one million dollars for all occurrences or
- 17 claims made in any policy year shall be provided. ~~Such filing~~
- 18 ~~shall state the amount of the premium charged for the policy of~~
- 19 ~~insurance.~~
- 20 (2) The filing required in subsection (1) of this section
- 21 shall be made by the insurer providing the professional liability

22 insurance to the health care provider and shall include the
23 following information:

24 (a) Name of the health care provider;

25 (b) Address of the health care provider;

26 (c) Whether the coverage is on an occurrence basis, a

27 claims-made basis or whether the coverage is a reporting

1 endorsement that covers for future reports of past occurrences;

2 (d) Coverage dates applying to the insurance;

3 (e) Requested effective dates of qualification;

4 (f) Premium paid by the health care provider for the

5 underlying insurance coverage necessary to qualify;

6 (g) Surcharge paid by the health care provider pursuant

7 to sections 44-2829 to 44-2831; and

8 (h) Any other information required by the director.

9 (3) The information reported to the director under

10 subsection (2) of this section shall not be subject to public

11 disclosure, except that, in response to a request regarding a

12 specific health care provider for a specific date or range of

13 dates, the director shall disclose whether the health care provider

14 is qualified under the Nebraska Hospital-Medical Liability Act.

15 (4) The director shall adopt and promulgate notice

16 requirements for insurers to use in notifying their policyholders

17 of their eligibility and the cost for qualification under the act.

18 Sec. 3. Section 44-2829, Reissue Revised Statutes of

19 Nebraska, is amended to read:

20 44-2829. (1) There is hereby created an Excess Liability

21 Fund to be collected and received by the director for the exclusive

22 use and purposes stated in the Nebraska Hospital-Medical Liability

23 Act. Such fund and any income from it shall be held by the State

24 Treasurer in trust, deposited in a separate account, and invested

25 and reinvested pursuant to law.

26 (2) To create the fund, an annual surcharge shall be

27 levied on all health care providers in Nebraska who have qualified

1 under sections 44-2824 and 44-2827. The surcharge for each health

2 care provider shall be determined by the director subject to the

3 following limitations:

4 (a) The annual surcharge shall not exceed fifty percent

5 of the annual premium paid by such health care provider for

6 maintenance of current financial responsibility as provided in

7 sections 44-2827 and 44-2837 to 44-2839; and

8 (b) The charge shall not exceed the amount necessary to

9 maintain the fund in the amount stated in section 44-2830.

10 (3) Such surcharge and any primary insurance premiums due

11 under sections 44-2837 to 44-2839 shall be due and payable within

12 thirty days after the health care provider has qualified in

13 Nebraska pursuant to section 44-2824 and shall be payable annually

14 thereafter in such amounts as may be determined by the director

15 insofar as the surcharge is concerned and by the risk manager

16 insofar as primary liability coverage is concerned. The insurer

17 which provides professional liability insurance to the provider
18 shall collect the surcharge from the health care provider and remit
19 it to the fund within thirty days after receipt.

20 (4) The net premiums payable for primary insurance
21 provided by the risk manager pursuant to sections 44-2837 to
22 44-2839 shall be deposited in the fund at least annually by the
23 risk manager.

24 (5) If the annual premium surcharge or premiums for
25 primary insurance under sections 44-2837 to 44-2839 are not paid to
26 the insurer within the time specified in subsection (3) of this
27 section, the qualification of the health care provider under
1 section 44-2824 shall be suspended until the annual premiums are
2 paid. Such suspension shall not be effective as to patients
3 claiming against the health care provider unless, at least thirty
4 days before the effective date of the suspension, a written notice
5 giving the date upon which the suspension becomes effective has
6 been provided by the director to the health care provider.

7 (6) The Director of Insurance, as administrator of the
8 fund, shall be responsible for legal defense of the fund. The
9 director, using money from the fund as deemed necessary,
10 appropriate, or desirable, may purchase the services of persons,
11 firms, and corporations to aid in protecting the fund against
12 claims. The Department of Justice shall not be responsible for
13 legal defense of the fund. All expenses of collecting, protecting,
14 and administering the fund shall be paid from the fund.

15 Sec. 4. Section 44-2831, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 44-2831. (1) The director may, at any time, analyze the
18 fund to determine if the amount in such fund is inadequate to pay
19 in full all claims allowed or to be allowed during the calendar
20 year. Upon such determination, the director shall have the power
21 to levy a special surcharge on all health care providers who have
22 qualified under the Nebraska Hospital-Medical Liability Act, which
23 special surcharge shall be an amount sufficient to permit full
24 payment of all claims allowed against the fund during a calendar
25 year. The special surcharge shall be levied against all health
26 care providers who have qualified under the Nebraska
27 Hospital-Medical Liability Act on the date of the special surcharge
1 or at any time during the preceding twelve months and shall be in
2 an amount proportionate to the surcharge each health care provider
3 has paid to the fund. Such special surcharge shall be due and
4 payable within thirty days after the same is levied. Such special
5 surcharge shall be collected by the health care provider's current
6 insurer, if the health care provider is currently qualified, or by
7 the health care provider's most recent insurer that provided
8 qualifying underlying coverage, if the health care provider is no
9 longer qualified.

10 (2) The director shall have authority to cause all or any
11 part of the potential liability of the Excess Liability Fund to be

12 reinsured, if such reinsurance is available, on a fair and
13 reasonable basis. The cost of such reinsurance shall be paid by
14 the fund and the fact of the reinsurance shall be taken into
15 account in determining the surcharge as provided in sections
16 44-2829 and 44-2830, but in no event shall the surcharge exceed
17 fifty percent of the annual premium paid by a health care provider
18 for maintenance of current financial responsibility.

19 Sec. 5. Section 44-2840, Revised Statutes Supplement,
20 2002, is amended to read:

21 44-2840. (1) Provision is hereby made for the
22 establishment of medical review panels to review all malpractice
23 claims against health care providers covered by the Nebraska
24 Hospital-Medical Liability Act in advance of filing such actions.

25 (2) No action against a health care provider may be
26 commenced in any court of this state before the claimant's proposed
27 complaint has been presented to a medical review panel established
1 pursuant to section 44-2841 and an opinion has been rendered by the
2 panel.

3 (3) The proceedings for action by the medical review
4 panel shall be initiated by the patient or his or her
5 representative by notice in writing with copy of a proposed
6 complaint served upon the director personally or by registered or
7 certified mail. Such notice shall designate the claimant's choice
8 of the physician to serve on the panel, claimant's suggestion of an
9 attorney to serve, and the court where the action shall be filed,
10 if necessary.

11 (4) The claimant may affirmatively waive his or her right
12 to a panel review, and in such case the claimant may proceed to
13 file his or her action directly in court. If the claimant waives
14 the panel review, the claimant shall serve a copy of the complaint
15 upon the director personally or by registered or certified mail at
16 the time the action is filed in court.

17 ~~(5) The exercise of the waiver authorized by this section~~
18 ~~shall not be subject to attack for the sole reason that the~~
19 ~~claimant served the director with the notice prescribed by~~
20 ~~subsection (3) of this section prior to July 10, 1984, if the~~
21 ~~requirements of sections 44-2840 to 44-2847 have not been fulfilled~~
22 ~~on such date.~~

23 Sec. 6. Section 44-2842, Revised Statutes Supplement,
24 2002, is amended to read:

25 44-2842. (1) The evidence to be considered by the
26 medical review panel shall be promptly submitted by the respective
27 parties in written form only. If any party to the proceedings
1 fails to submit his or her evidence within a reasonable time after
2 notice from the panel requesting such evidence, the panel may
3 proceed to decide the matter on the evidence previously submitted.
4 The determination of reasonable time shall be made by the panel.
5 The evidence submitted may consist of medical charts, X-rays,
6 laboratory test results, excerpts of treatises, depositions of

7 witnesses including parties, and any other form of evidence
8 allowable by the medical review panel.

9 (2) Depositions of parties and witnesses may be taken
10 prior to the convening of the panel and prior to the commencement
11 of the action, but in such event the attorney for the medical care
12 provider shall be furnished with a copy of the complaint which the
13 claimant proposes to file at least ten days before any deposition
14 is taken. The patient shall have the right to request and receive
15 all medical and hospital records relating to his or her case which
16 would be admissible in evidence in a court of law. The chairperson
17 of the panel shall advise the panel relative to any legal question
18 involved in the review proceeding and shall prepare the opinion of
19 the panel. A copy of the evidence shall be sent to each member of
20 the panel.

21 (3) Either party, after submission of all evidence and
22 upon ten days' notice to the other side, shall have the right to
23 convene the panel at a time and place agreeable to the members of
24 the panel. At such time either party shall have the right to
25 present argument concerning any matters relevant to issues to be
26 decided by the panel before the issuance of its report. The
27 chairperson of the panel shall preside at all meetings, which
1 meetings shall be informal.

2 (4) If the members of the medical review panel have not
3 convened within six months of the initiation of the proceeding, the
4 judge ~~shall have authority to order the panel to convene~~ may
5 terminate the proceeding at the request of either party.

6 Sec. 7. (1) A person credentialed under the Uniform
7 Licensing Law to practice as a physician, osteopathic physician,
8 dentist, physician assistant, nurse, or physical therapist who,
9 without the expectation or receipt of monetary or other
10 compensation either directly or indirectly, provides professional
11 services as a volunteer in a free clinic or other facility operated
12 by a not-for-profit organization as defined in section 25-21,190,
13 an agency of the state, or any political subdivision shall be
14 immune from civil liability for any act or omission which results
15 in damage or injury unless such damage or injury was caused by the
16 willful or wanton act or omission of such practitioner.

17 (2) The individual immunity granted by subsection (1) of
18 this section shall not extend to any act or omission of such
19 practitioner which results in damage or injury if:

20 (a) The free clinic or other facility is operated by a
21 licensed hospital;

22 (b) The practitioner has been disciplined by the state
23 examining board having oversight over that practitioner in the
24 previous five years at the time of the act or omission causing
25 injury; or

26 (c) The damage or injury is caused by such practitioner

27 (i) during the operation of any motor vehicle, airplane, or boat or

1 (ii) while impaired by alcohol or any controlled substance

2 enumerated in section 28-405.

3 Sec. 8. Original sections 44-2825, 44-2827, 44-2829, and
4 44-2831, Reissue Revised Statutes of Nebraska, and sections 44-2840
5 and 44-2842, Revised Statutes Supplement, 2002, are repealed."

LEGISLATIVE BILL 162. Placed on General File as amended.

Standing Committee amendment to LB 162:

AM1203

- 1 1. Strike original section 1 and insert the following
- 2 new section:
- 3 "Section 1. (1) A person credentialed under the Uniform
- 4 Licensing Law to practice as a physician, osteopathic physician,
- 5 dentist, physician assistant, nurse, or physical therapist who,
- 6 without the expectation or receipt of monetary or other
- 7 compensation either directly or indirectly, provides professional
- 8 services as a volunteer in a free clinic or other facility operated
- 9 by a not-for-profit organization as defined in section 25-21,190,
- 10 an agency of the state, or any political subdivision shall be
- 11 immune from civil liability for any act or omission which results
- 12 in damage or injury unless such damage or injury was caused by the
- 13 willful or wanton act or omission of such practitioner.
- 14 (2) The individual immunity granted by subsection (1) of
- 15 this section shall not extend to any act or omission of such
- 16 practitioner which results in damage or injury if:
- 17 (a) The free clinic or other facility is operated by a
- 18 licensed hospital;
- 19 (b) The practitioner has been disciplined by the state
- 20 examining board having oversight over that practitioner in the
- 21 previous five years at the time of the act or omission causing
- 22 injury; or
- 23 (c) The damage or injury is caused by such practitioner
- 24 (i) during the operation of any motor vehicle, airplane, or boat or
- 1 (ii) while impaired by alcohol or any controlled substance
- 2 enumerated in section 28-405."

LEGISLATIVE BILL 179. Placed on General File as amended.

Standing Committee amendment to LB 179:

AM0900

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 29-3524, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 29-3524. Criminal justice agencies may assess reasonable
- 6 fees, not to exceed actual costs, for search, retrieval, storing,
- 7 maintaining, and copying of criminal justice records and may waive
- 8 fees at their discretion. When fees for certified copies or other
- 9 copies, printouts, or photographs of such records are specifically
- 10 prescribed by law, such specific fees shall apply. All fees
- 11 collected by the Nebraska State Patrol pursuant to this section

12 shall be ~~deposited in~~ remitted to the State Treasurer for credit to
 13 the Nebraska State Patrol Cash Fund.
 14 Sec. 2. Original section 29-3524, Reissue Revised
 15 Statutes of Nebraska, is repealed."

LEGISLATIVE BILL 271. Placed on General File as amended.
 Standing Committee amendment to LB 271:
 AM1138

- 1 1. On page 9, line 7, after the semicolon insert "and";
- 2 in lines 8 and 22, strike "or oral"; in line 9 after "proceeding"
- 3 insert "or to read his or her impact statement submitted pursuant
- 4 to subdivision (1)(d)(iv) of this section at the sentencing
- 5 proceeding"; and strike beginning with "and" in line 9 through line
- 6 10.
- 7 2. On page 15, line 22 strike "written"; and in line 23
- 8 strike "subdivision (1)(h) of".

LEGISLATIVE BILL 315. Placed on General File as amended.
 Standing Committee amendment to LB 315:
 AM1034

- 1 1. Insert the following new section:
- 2 "Sec. 5. Section 64-103, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 64-103. When any person is appointed to the office of
- 5 notary public, the ~~Governor~~ Secretary of State shall cause his or
- 6 her signature or a facsimile thereof to be affixed to the
- 7 commission and ~~deliver the same to the Secretary of State. Upon~~
- 8 ~~the receipt of the commission by the secretary,~~ he or she shall
- 9 affix thereto the great seal of the state. Upon the filing and
- 10 approval of the bond, as provided for in section 64-102, the
- 11 Secretary of State shall mail or deliver the commission to the
- 12 applicant. The form and format of the commission shall be
- 13 prescribed by the Secretary of State, ~~on behalf of the Governor.~~"
- 14 2. On page 2, line 19; page 3, line 17; page 4, line 8;
- 15 page 8, lines 23 and 24; and page 9, lines 9, 12, and 14, strike
- 16 "Governor", show as stricken, and insert "Secretary of State".
- 17 3. On page 4, line 13, strike "twenty-five" and insert
- 18 "fifteen".
- 19 4. On page 5, line 5, strike "or" and insert "and".
- 20 5. On page 8, line 26, strike "Governor" and insert
- 21 "Secretary of State".
- 22 6. On page 11, line 5, strike "5 to 9" and insert "6 to
- 23 10"; and in line 6 after the last comma insert "64-103,".
- 24 7. Renumber the remaining sections and correct internal
- 1 references accordingly.

LEGISLATIVE BILL 602. Placed on General File as amended.
 Standing Committee amendment to LB 602:
 AM0971

- 1 1. Strike original sections 1 to 5 and insert the
 2 following new sections:
 3 "Section 1. Sections 1 to 5 of this act shall be known
 4 and may be cited as the Human Cloning Prohibition Act.
 5 Sec. 2. The intent of the Human Cloning Prohibition Act
 6 is to ban all human cloning. The intent is not to restrict areas
 7 of scientific research not specifically prohibited by the act,
 8 including research in the use of nuclear transfer or other cloning
 9 techniques to produce molecules, deoxyribonucleic acid, tissues,
 10 organs, plants, cells other than human embryos, or animals other
 11 than humans.
 12 Sec. 3. For purposes of the Human Cloning Prohibition
 13 Act:
 14 (1) Asexual reproduction means reproduction not initiated
 15 by the union of oocyte and sperm;
 16 (2) Deliver means the actual, constructive, or attempted
 17 transfer from one person to another;
 18 (3) Human cloning means human asexual reproduction
 19 accomplished by introducing nuclear material from one or more human
 20 somatic cells into a fertilized or unfertilized oocyte whose
 21 nuclear material has been removed or inactivated so as to produce a
 22 living organism, at any stage of development, that is genetically
 23 virtually identical to an existing or previously existing human
 24 organism; and
 1 (4) Somatic cell means a diploid cell, having a complete
 2 set of chromosomes, obtained or derived from a living or deceased
 3 human body at any stage of development.
 4 Sec. 4. No person shall knowingly:
 5 (1) Perform human cloning;
 6 (2) Derive any product from human cloning; or
 7 (3) Deliver or receive any embryo produced by or from
 8 human cloning.
 9 Sec. 5. Any person violating the Human Cloning
 10 Prohibition Act is guilty of a Class IV felony."

(Signed) Kermit A. Brashear, Chairperson

AMENDMENTS - Print in Journal

Senators Bourne and Byars filed the following amendment to LB 513:
 AM1193

- 1 1. On page 2, line 23, after "(3)" insert "If the
 2 postsecondary educational institution provides information to the
 3 enrolled person, or the enrolled person's parent or guardian if the
 4 enrolled person is a minor, it shall include information on the
 5 availability of an indigent patient fund to assist qualified
 6 persons with the cost of the vaccine.
 7 (4)".

Senator Brashear filed the following amendment to LB 303:
AM1198

(Amendments to Standing Committee amendments, AM0159)

1 1. On page 17, after line 15, insert the following new
2 subsection:
3 "(5) Notwithstanding any other provision of law, and to
4 the fullest extent compatible with applicable federal law, a person
5 who is exempt from subsection (1) of this section shall not be
6 eligible for any benefit provided by this state related to health
7 care, rehabilitation, long-term care, or any other service made
8 necessary as a result of any injury sustained while operating or as
9 a passenger on a motorcycle or moped on any highway of this state
10 without wearing a protective helmet as provided in subsection (1)
11 of this section.".

MOTION - Print in Journal

Senator Chambers filed the following motion to LB 160:
Bracket until May 31, 2003.

UNANIMOUS CONSENT - Add Cointroducer

Senator Schimek asked unanimous consent to have her name added as cointroducer to LR 11CA. No objections. So ordered.

ADJOURNMENT

At 3:58 p.m., on a motion by Senator Byars, the Legislature adjourned until 9:00 a.m., Tuesday, April 8, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

